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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,525	09/19/2005	Johannes Benkhoff	SE/2-222864/APCT	3609

324 7590 07/24/2007
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PATENT DEPARTMENT
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EXAMINER

GREEN, ANTHONY J

ART UNIT	PAPER NUMBER
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1755

MAIL DATE	DELIVERY MODE
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07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,525

Applicant(s)

BENKHOFF ET AL.

Examiner

Anthony J. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12 December 2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

1. The preliminary amendment submitted on 19 September 2005 has been entered. Claims 12-20 have been added and accordingly claims 1-20 are currently pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 the phrases "phenyl which is unsubstituted or mono- or poly-substituted by halogen, nitro, OR₅, NR₁₆R₁₇" and "phenyl which is unsubstituted or mono- or poly-substituted by C₁-C₆alkyl, halogen, nitro, OR₅, NR₁₆R₁₇" are confusing as it appears that it requires the phenyl to be substituted with all of the recited substituents. Also the same holds true for the phrases "benzyl which is unsubstituted or mono- or poly-substituted by halogen, nitro, OR₅, NR₁₆R₁₇" and "benzyl which is unsubstituted or mono- or poly-substituted by C₁-C₆alkyl, halogen, nitro, OR₅, NR₁₆R₁₇".

In claim 2 the phrases "phenyl which is unsubstituted or mono- or poly-substituted by halogen, nitro, OR₅, NR₁₆R₁₇" and "phenyl which is unsubstituted or mono- or poly-substituted by C₁-C₆alkyl, halogen, nitro, OR₅, NR₁₆R₁₇" are confusing as it appears that it requires the phenyl to be substituted with all of the recited substituents.

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Also the same holds true for the phrases "benzyl which is unsubstituted or mono- or poly-substituted by halogen, nitro, OR₅, NR₁₆R₁₇" and "benzyl which is unsubstituted or mono- or poly-substituted by C₁-C₆alkyl, halogen, nitro, OR₅, NR₁₆R₁₇".

In claim 5 the phrase "phenyl which is unsubstituted or mono- or poly-substituted by C₁-C₃alkyl, halogen, nitro, OR₇, N(R₇)₂" is confusing as it appears that it requires the phenyl to be substituted with all of the recited substituents. The same holds true for the phrase "benzyl which is unsubstituted or mono- or poly-substituted by C₁-C₃alkyl, halogen, nitro, OR₇, N(R₇)₂".

Claim 8 is confusing as written as it depends from claim 1 in 3 separate instances. Since line 2 of the claim recites that the claim depends from claim 1 then all of the limitations of claim 1 would have to be present in claim 8 and therefore it is not necessary to have to depend in 3 separate instances. Also the phrase "a monoazoquinolone pigment of formula (1) according to claim 1" is confusing as claim 1 does not positively recite "formula (1)".

In claim 9 the phrase "high molecular weight material" is vague and indefinite as "high" is a relative term which renders the claim indefinite. The term "high" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In claim 14 the phrase "phenyl which is unsubstituted or mono- or poly-substituted by C₁-C₃alkyl, halogen, nitro, OR₇, N(R₇)₂" is confusing as it appears that it requires the phenyl to be substituted with all of the recited substituents. The same holds true for the

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phrase "benzyl which is unsubstituted or mono- or poly-substituted by C₁-C₃alkyl, halogen, nitro, OR₇, N(R₇)₂".

In claim 17 the phrase "phenyl which is unsubstituted o mono- or poly-substituted by C₁-C₃alkyl, halogen, nitro, OR₇, N(R₇)₂" is confusing as it appears that it requires the phenyl to be substituted with all of the recited substituents. The same holds true for the phrase "benzyl which is unsubstituted or mono- or poly-substituted by C₁-C₃alkyl, halogen, nitro, OR₇, N(R₇)₂".

In claim 19 the phrase "phenyl which is unsubstituted o mono- or poly-substituted by C₁-C₃alkyl, halogen, nitro, OR₇, N(R₇)₂" is confusing as it appears that it requires the phenyl to be substituted with all of the recited substituents. The same holds true for the phrase "benzyl which is unsubstituted or mono- or poly-substituted by C₁-C₃alkyl, halogen, nitro, OR₇, N(R₇)₂".

Allowable Subject Matter

4. Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Information Disclosure Statement

5. The references have been reviewed by the examiner and they are not considered to teach and/or fairly suggest the instant invention.

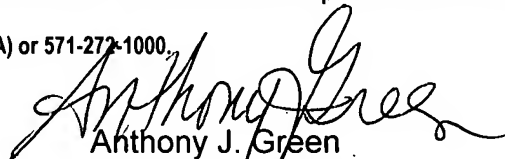
References Cited By The Examiner

6. The references have been reviewed by the examiner and they are not considered to teach and/or fairly suggest the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anthony J. Green
Primary Examiner
Art Unit 1755

ajg
July 10, 2007